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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,581	03/10/2004	Robert L. Beck	3591-1377	4719

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EXAMINER

EPPS, TODD MICHAEL

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 08/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/797,581	Applicant(s) BECK ET AL.	
	Examiner Todd M. Epps	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on March 10, 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) 29-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28, and 48-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/30/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: <u>8/15/05</u> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: <u>8/9/2004</u> | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This is the first Office Action for serial number 10/797,581, Computer Workstation With Moveable Monitor Support, filed on March 10, 2004.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-28, and 48-49, drawn to apparatus, classified in class 248, subclass 146.
- II. Claims 29-47, drawn to methods, classified in class 359, subclass 372.

The inventions are distinct, each from the other because of the following reasons:

Inventions I, and II are related as apparatus and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the apparatus as claimed can be practiced with another materially different apparatus or (2) the apparatus as claimed can be used in a materially different process of using that apparatus (MPEP § 806.05(h)). In the instant case, it can be used as television stand.

During a telephone conversation with Andrew Stover on 8/15/05 a provisional election was made without traverse to prosecute the invention of group I, claims 1-28,

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and 48-49. Affirmation of this election must be made by applicant in replying to this Office action. Claims 29-47 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-19, and 27-28 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,450,800 to Leonard. Leonard discloses a worksurface (32, and 34) moveable a first distance between first and second worksurface positions; a monitor support (18) coupled to a worksurface (32, and 34); a base (12) supporting a worksurface (32, and 34); support rollers (76, and 80) interfacing between a worksurface (32, and 34) and a base (12); a track (86) formed on one of a worksurface (32), and a base (12) and at least one guide roller (74), wherein one guide roller (74) engages a track (86); wherein a base (12) comprises a first gear (62), a monitor support (18) comprises a second gear (62), a worksurface (32, and 34) comprises a pinion gear (62) rotatably mounted thereto, wherein a pinion gear engages with first and second gears; first and second gears comprise first and second racks (60), wherein the first and

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second racks (60) face each other; a motor (68) operably connected to a pinion gear (62); a monitor support (18) comprises a base (56) and a platform (52) pivotally mounted to base (12); a second distance is between 1.5 and 3.0 times a first distance (fig. 1); wherein a second distance is about 2.0 times a first distance (fig. 1); the worksurface (32, and 34) is connected to a first drive device (68), the monitor support (18) is connected to a second drive device (95), wherein the monitor support (18) and a worksurface (32, and 34) are coupled with a controller (110, and 112); first and second drive devices comprise first and second motors respectively (68, and 95); a support surface (92) of a worksurface (32, and 34) forms an angle with a horizontal plane; wherein an angle is between about 5 degrees and about 45 degrees; a support surface (92) comprising a base (40) having an upper surface (42) formed at substantially an angle with a horizontal plane;

Claims 1, and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,408,940 to Winchell. Winchell discloses a worksurface (20, and 26) moveable a first distance between first and second worksurface positions; a monitor support (54) coupled to a worksurface (20, and 26), wherein a monitor support (54) is moveable a second distance between first and second monitor positions, wherein the second distance is greater than the first distance (fig. 2); the monitor support (54) is supported by a worksurface (26); support rollers (51-52) interfacing between a monitor support (54) and a worksurface (20); and wherein the monitor support (54) is slidably supported by a worksurface (26).

Claims 1, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,398,622 to Lubinkas et al. (Lubinkas). Lubinkas discloses a worksurface (1) moveable a first distance between first and second worksurface positions; a monitor support (2) coupled to a worksurface (1); a base (34) supporting a worksurface (1); and a keyboard tray (3) pivotally mounted to a worksurface (1).

Claims 48, and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,365,561 to Tellier et al (Tellier). Tellier discloses a base structure (5), a monitor support (8) rotatably and translatably coupled to a base structure (5), and a worksurface (11) connected to a monitor support (8); further comprising a monitor (2) supported on a monitor support (8), a monitor (2) having a top, front reference point and a worksurface having a front edge, wherein a reference point moves a first horizontal distance as a monitor support (8) is translated between the first and second positions (fig. 2), wherein the front edge moves a second horizontal distance as a monitor support (8) is translated between the first and second positions, wherein the first horizontal distance is greater than the second horizontal distance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,365,561 to Tellier in view of U.S Patent No. 4,706,920 to Ojima et al (Ojima). Tellier fails to disclose wherein a monitor support defines a support plane, and further comprising at least one track oriented non-parallel to a support plane, and a guide moveably mounted on a track wherein a monitor support is pivotally connected to a guide.

Attention is directed to Ojima reference, which teaches a monitor support on a flat surface, wherein a monitor support defines a support plane, and further comprising at least one track oriented non-parallel to a support plane, and a guide moveably mounted on a track wherein a monitor support is pivotally connected to a guide. Accordingly, it would have been obvious to one ordinary skill in the art at the time the invention was made to have a monitor support of Tellier with a monitor support assembly taught by Ojima wherein doing so would provide thereof convenience to adjust the monitor length to read better.

Claims 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,450,800 to Leonard in view of U.S Patent No. 5,044,284 to Gross. Leonard discloses a worksurface is connected to a front of a monitor support. However, Leonard fails to disclose wherein a monitor support is supported by a four bar linkage, wherein a four bar linkage is configured as a parallelogram, and a monitor support is pivotally supported by a pair of non-parallel links.

Attention is directed to Gross reference, which teaches a monitor support by a four bar linkage that is configured as a parallelogram, and a monitor support is pivotally supported by a pair of non-parallel links. Accordingly, it would have been obvious to one ordinary skill in the art at the time the invention was made to have a monitor support of Leonard with a monitor support supported by a four bar linkage assembly taught by Gross wherein doing so would provide thereof convenience to move the monitor without resistance.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,484,648 to Long

U.S. Patent No. 6,119,605 to Agee

U.S. Patent No. 5,339,750 to Smies

U.S. Patent No. 5,322,025 to Sherman

U.S. Patent No. 5,199,773 to Price Jr.

U.S. Patent No. 4,981,085 to Watt

U.S. Patent No. 4,805,538 to Fisher

U.S. Patent No. 4,714,025 to Wallin

U.S. Patent No. 4,493,267 to Jedziniak

The above references disclose a structure similar to the applicant's invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd M. Epps whose telephone number is 571-272-8282. The examiner can normally be reached on M-F (7:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Todd M. Epps
Patent Examiner
Art Unit 3632
August 19, 2005

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